

# How Do I Apply to Reopen My Bankruptcy Case to File the Financial Management Course Certificate?

Note: This instructional packet should not be construed as legal advice. This instructional packet should not be used "as is" but should be modified after careful consideration of the facts in your individual case. Should you need specific legal advice, please consult with an attorney.

Updated October 12, 2012

# Instructions for Filing a Motion and Order to Reopen Case and for Extension of Time to File Debtor's Certificate of Completion of Postpetition Instructional Course Concerning Personal Financial Management

- 1. Complete the **Financial Management Course** and obtain the course certificate (course providers at <u>www.justice.gov/ust/eo/bapcpa/ccde/cc\_approved.htm</u>).
- Complete Form B23 (form available at <u>www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms.aspx</u>)
- Complete the entire Motion and Order, based on the attached samples (blank forms available from the Self-Help Desk, Bankruptcy Clerk, or at <u>www.cacb.uscourts.gov</u>, forms F 5010-1.1M and F 5010-1.10). NOTE: You can hand-write these forms. You do NOT need to type them.
- 4. Prepare a self-addressed, stamped envelope.
- Make four packets, each consisting of the entire Motion, Order, Form B23, and Financial Management Course Certificate, and paper clip each packet. Keep the packet with the original copies on top.
- 6. Attach the self-addressed stamped envelope to the first packet (the original),
- 7. On the third packet, write "JUDGE'S COPY" at the top of the first page.
- 8. On the fourth packet, write "DEBTOR'S COPY" at the top of the first page.
- 9. Take the four packets to the Bankruptcy Clerk's office where you originally filed your bankruptcy.
- 10. File the top packet (original) and second packet with the Clerk, along with a reopening fee of \$260 (cash, money order, or cashier's check).
- 11. Ask the clerk to stamp your two remaining copies.
- 12. Ask the clerk what that office's procedure is for the judge's copy
- 13. Once the judge reviews your motion, you will get the judge's decision in the mail.

# SAMPLE VERSION

NOTE: YOU CAN HAND-WRITE ALL THESE FORMS. YOU DO NOT NEED TO TYPE THEM.

Attorney or Party Name, Address, Telephone & FAX Numbers, and California State Bar Number	FOR COURT USE ONLY
(Your name, and joint debtor's name, if any) (Your address)	
(Your phone number)	
Attorney for: Pro per	
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
In re:	CHAPTER: 7
(Your name, and name of joint debtor, if any)	CASENO.: (case number)
Debtor(s).	

#### DEBTOR'S MOTION TO REOPEN CASE AND FOR EXTENSION OF TIME TO FILE DEBTOR'S CERTIFICATION OF COMPLETION OF POSTPETITION INSTRUCTIONAL COURSE CONCERNING PERSONAL FINANCIAL MANAGEMENT

(For Case Closed Without Entry of Discharge Due to Noncompliance With 11 U.S.C. §§ 727(a)(11) or 1328(g)(1))

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE: (Judge's name)

1. Bankruptcy Case Filing Information:

(check this box)

- a. A voluntary petition under chapter 🛛 🔂 7 🗆 13 was filed on: (Date case was filed)
- Because the Debtor(s) failed to file Official Form 23, Debtor's Certification of Completion of Postpetition Instructional Course Concerning Personal Financial Management ("OF 23") within the time limit set forth in F.R.B.P. 1007(c), the court closed this case without entering a discharge.
- 2. I, <u>(Your name)</u>, the Debtor in this case, and <u>debtor, if any</u>), (if joint debtors) hereby request that the court enter an order: (a) reopening the case pursuant to 11 U.S.C. § 350(b) and F.R.B.P. 5010; and (b) extending the time for the Debtor(s) to file the OF 23 for a period of 30 days from the date of entry of an order granting this motion.
- 3. The Debtor(s) failed to file the OF 23 by the original deadline, and therefore need to have the case reopened so that the required OF 23 can be filed and a discharge can be entered because: (Explain circumstances that prevented the Debtor(s) from filing the OF 23 in a timely manner.)

(State why you didn't file the certificate and Form B23. This is your opportunity to explain to the bankruptcy judge why he or she should grant your request)

and I declare this under penalty of perjury.

Debtor's Motion to Reopen Case and for Extension of Time To File Debtor's Certification of of Postpetition Instructional Course Concerning Personal Financial Management - Page 2

In re	CHAPTER:	<mark>7</mark>	
(Your name, and name of joint debtor, if any)			
Debtor(s	). CASE NO.:	(case number)	

WHEREFORE, the Debtor(s) pray(s) that this court issue an order (the form of which is submitted herewith and has been served) reopening this case and extending the time to file the OF 23 so that the Debtor(s) discharge may be entered.

(Your signature)	(Date)	(City of residence)	<mark>(State)</mark>
Debtor's Signature	Dated	City	State
(Signature of joint			
debtor, if any)	(Date)	(City of residence)	(State)
Joint Debtor's Signature	Dated	City	State

Debtor's Motion to Reopen Case and for Extension of Time To File Debtor's Certification of of Postpetition Instructional Course Concerning Personal Financial Management - Page 3

In re										CHAPTER:	7
	(Your	name,	and	name	of	joint	debtor,	if			
									Debtor(s).	CASE NO.:	(case number)

**NOTE**: When using this form to indicate service of a proposed order, **DO NOT** list any person or entity in Category I. Proposed orders do not generate an NEF because only orders that have been entered are placed on a CM/ECF docket.

### PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

(Someone other than you who is 18 years or older and not part of this case must complete this form. Put that person's address here.)

A true and correct copy of the foregoing document described as <u>Debtor's Motion to Reopen Case for</u> Financial Management Course will be served or was served (a) on the judge

in chambers in the form and manner required by LBR 5005-2(d), and (b) in the manner indicated below:

#### (date you checked docket)

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") - Pursuant to controlling General Order(s) and Local Bankruptcy Bule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On \_\_\_\_\_\_ I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email addressed indicated below:

(Ac	ld na	mes	and	emai	l addı	resses	of	your	Chapt	er 7	trust	<mark>ee and</mark>	the T	J.S. '	<u>Frust</u>	ee.
You	ı car	ı get	thi	ls in	format	<mark>tion f</mark>	rom	the	<mark>Self-H</mark>	elp I	<mark>)esk o</mark>	r Bank	ruptcy	y Cle	rk, b	Z
ask	ing	them	ı to	prin	t the	"Part	ies"	' pag	<mark>e from</mark>	your	case	infor	matior	n. Yo	u can	also
get	thi	s in	forn	natio	n on a	a cour	t pu	ublic	compu	ter.)						
**	EXAN	IPLE:		John	Smith	jo	hn@s	mith	.com		Service	informati	ion conti	inued o	n attach	ed page

#### II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served):

On \_\_\_\_\_\_ I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follow. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

(date you put a copy in judge's courtesy box)

Service information continued on attached page

**III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL** (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on \_\_\_\_\_\_ I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method) by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

(	List	your	bankru	uptcy	judge's	name	and	addres	s here	. You	can	get	this	from	the
	Self	-Help	Desk,	the	Bankrupt	cy Cl	erk,	a cour	t publ:	ic co	mpute	er,	or by	<mark>going</mark>	3
	to <u>w</u>	ww.cad	cb.usc	<mark>ourts</mark>	<u>.gov</u> .)										

Service information continued on attached page

F 5010-1.1M

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

	(Name of person who	(Signature of person who
<mark>(Date)</mark>	completed Proof of Service)	completed Proof of Service)
Date	Type Name	Signature

NOTE: YOU CAN HAND-WRITE ALL THESE FORMS. YOU DO NOT NEED TO TYPE THEM. ALSO, A JOINT DEBTOR, IF ANY, MUST COMPLETE A SEPARATE COPY OF THIS FORM.

B 23 (Official Form 23) (12/10)

# UNITED STATES BANKRUPTCY COURT

Central District of California

In re (Your name)

Debtor

Case No.	(case	number)	

Chapter 7

#### DEBTOR'S CERTIFICATION OF COMPLETION OF POSTPETITION INSTRUCTIONAL COURSE CONCERNING PERSONAL FINANCIAL MANAGEMENT

Every individual debtor in a chapter 7, chapter 11 in which 1141(d)(3) applies, or chapter 13 case must file this certification. If a joint petition is filed, each spouse must complete and file a separate certification. Complete one of the following statements and file by the deadline stated below:

🗹 I, <mark>(Your name)</mark>	, the debtor in the above-styled case, hereby
(Printed Name of Debt certify that on (Date on cert.) (Date),	or) I completed an instructional course in personal financial management
provided by (Name of course provid	
(Name of management provider.	Provider)
Certificate No. ( <i>if any</i> ): (Certificate	number)
🗖 I,	, the debtor in the above-styled case, hereby
(Printed Name of Debto	
	rse is required because of [Check the appropriate box.]:
Incapacity or disability, as defined in	11 U.S.C. § 109(h);
Active military duty in a military con	ibat zone; or
	nited States trustee (or bankruptcy administrator) has determined that e at this time to serve the additional individuals who would otherwise
Signature of Debtor: (Your signature)	
Date: _ <mark>(Date)</mark>	

*Instructions:* Use this form only to certify whether you completed a course in personal financial management. (Fed. R. Bankr. P. 1007(b)(7).) Do NOT use this form to file the certificate given to you by your prepetition credit counseling provider and do NOT include with the petition when filing your case.

*Filing Deadlines:* In a chapter 7 case, file within 60 days of the first date set for the meeting of creditors under § 341 of the Bankruptcy Code. In a chapter 11 or 13 case, file no later than the last payment made by the debtor as required by the plan or the filing of a motion for a discharge under § 1141(d)(5)(B) or § 1328(b) of the Code. (See Fed. R. Bankr. P. 1007(c).)

	Certificate Number:
<b>CERTIFICATE OF</b>	DEBTOR EDUCATION
completed a course on personal finance, a provider approved	at o'clock , , , , , , , , , , , , , , , , , , ,
Date:	_ By:
	Name:
	Title:

JOTE:	YOU	CAN	HAND-WRITE	ALL	THESE	FORMS.	YOU	DO	NOT	NEED	TO	TYPE	THEM.	
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Attorney or Party Name, Address, Telephone & FAX Numbers, and California State Bar Number	FOR COURT USE ONLY
(Your name, and joint debtor's name, if any)	
(Your address)	
(Your city, state, and ZIP code)	
(Your phone number)	
Attorney for: Pro per	
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
	CHAPTER: <mark>7</mark>
CENTRAL DISTRICT OF CALIFORNIA	CHAPTER: 7 CASE NO.: (case number)

#### ORDER ON DEBTOR'S MOTION TO REOPEN CASE AND FOR EXTENSION OF TIME TO FILE DEBTOR'S CERTIFICATION OF COMPLETION OF POSTPETITION INSTRUCTIONAL COURSE CONCERNING PERSONAL FINANCIAL MANAGEMENT

#### (For Case Closed Without Entry of Discharge Due To Noncompliance With 11 U.S.C. §§ 727(a)(11) or 1328(g)(1))

The above referenced case having been closed without the entry of a discharge due to noncompliance with 11 U.S.C. §§ 727(a)(11) or 1328(g)(1) attributable to the failure to file Official Form 23, Debtor's Certification of Completion of Postpetition Instructional Course Concerning Personal Financial Management ("OF 23"), and the Debtor(s) having moved to reopen the case pursuant to 11 U.S.C. § 350(b) and F.R.B.P 5010 and for an extension of time under F.R.B.P. 1007(c) to file the OF 23 so that a discharge may be entered, and the Court, having reviewed and considered the motion,

- 1. 
  The Court finds cause to reopen the case and to extend the time for the Debtor(s) to file the OF 23. Accordingly, IT IS HEREBY ORDERED that:
  - a. The above-entitled bankruptcy case be, and the same is hereby, reopened pursuant to 11 U.S.C. § 350(b) and F.R.B.P. 5010;
  - b. A trustee shall not be appointed in this case absent further order of the Court;
  - c. The deadline for the Debtor(s) to file the OF 23 is extended 30 days from the date of entry of this order;
  - d. If the Debtor(s) is/are otherwise eligible, upon the filing of the OF 23, the clerk shall enter the discharge of the Debtor(s) and close the case; and
  - e. In the event the OF 23 is not filed, the case shall be closed immediately after the expiration of 30 days from the date of entry of this order.
- 2. □ IT IS HEREBY ORDERED that the motion is denied without prejudice on the following grounds (*specify*): □ See Attached Page

3.	This matter is set fo	r hearing as follows:		R
	Date:	Time:	Ctrm:	LEAVE NUMBERS 1-5 BLANK. THE JUDGE
4.	Notice is required as	s follows <i>(specify):</i>	□ See Attached Page	WILL COMPLETE THIS.

ľ

Order on Debtor's Motion to Reopen Case and for Extension of Time to File Debtor's Certification	
of Completion of Postpetition Instructional Course Concerning Personal Financial Management - Pag	e 2

In re	(Your name, and name of joint debtor, if any	<mark>))</mark> Debtor(s).	CHAPTER: 7 CASE NO.: (case number)
5. 🗆	The Court Further orders as follows (specify):	ched Page	
Dated:	LEAVE THESE BLANK. THE JUDG WILL SIGN AND DATE HERE.	E	$\rightarrow$
		UNITED	STATES BANKRUPTCY JUDGE

In re											CHAPTER:	7
	(Your	name,	and	name	of	joint	debtor,	if	any)			
						-				Debtor(s).	CASE NO.:	(case number)

**NOTE**: When using this form to indicate service of a proposed order, **DO NOT** list any person or entity in Category I. Proposed orders do not generate an NEF because only orders that have been entered are placed on a CM/ECF docket.

# **PROOF OF SERVICE OF DOCUMENT**

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: (Someone other than you who is 18 years or older and not part of this case)

must complete this form. Put that person's address here.)

A true and correct copy of the foregoing document described as Order on Debtor's Motion to Reopen

Case for Financial Management Course will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d), and (b) in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") - Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On \_\_\_\_\_\_ I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email addressed indicated below:

Service information continued on attached page

#### II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served):

On \_\_\_\_\_\_ I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follow. Listing the judge here constitutes a declaration that mailing to the judge <u>will be</u> completed no later than 24 hours after the document is filed.

	(Name of person who	(Signature of person who
(Date)	completed Proof of Service)	completed Proof of Service)
Date	Type Name	Signature

Order on Debtor's Motion to Reopen Case and for Extension of Time to File Debtor's Certification of Completion of Postpetition Instructional Course Concerning Personal Financial Management - Page 4

In re											CHAPTER:	7	
	(Your	name,	and	name	of	joint	debtor,	if	any)		OF A TER.		
										Debtor(s).	CASE NO.:	(case number)	

ADDITIONAL SERVICE INFORMATION (if needed):

LEAVE THIS AREA BLANK

Order on Debtor's Motion to Reopen Case and for Extension of Time to File Debtor's Certification of Completion of Postpetition Instructional Course Concerning Personal Financial Management - Page 5

In re									
	(Your	name,	and	name	of	joint	debtor,	if	any)

CHAPTER: <mark>7</mark>

Debtor(s). CASE NO.: (case number)

#### NOTE TO USERS OF THIS FORM:

1) Attach this form to the last page of a proposed Order or Judgment. Do not file as a separate document.

2) The title of the judgment or order and all service information must be filled in by the party lodging the order.

3) Category I. below: The United States trustee and case trustee (if any) will always be in this category.

4) Category II. below: List ONLY addresses for debtor (and attorney), movant (or attorney) and person/entity (or attorney)

who filed an opposition to the requested relief. DO NOT list an address if person/entity is listed in category I.

## NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled (*specify*) Order on Debtor's Motion to Reopen Case for Financial Management Course was entered on the date indicated as

"Entered" on the first page of this judgment or order and will be served in the manner indicated below:

#### (date you checked docket)

I. <u>SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")</u> - Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s), the foregoing document was served on the following person(s) by the court via NEF and hyperlink to the judgment or order. As of \_\_\_\_\_\_\_, the following person(s) are currently on the Electronic Mail Notice List for this bankruptcy case or adversary proceeding to receive NEF transmission at the email address(es) indicated below.

#### (Add names and email addresses of your Chapter 7 trustee and the U.S. Trustee. You can get this information from the Self-Help Desk or Bankruptcy Clerk, by asking them to print the "Parties" page from your case information. You can also get this information from the lobby computers.) \*\* EXAMPLE: John Smith john@smith.com

□ Service information continued on attached page

**II.** <u>SERVED BY THE COURT VIA U.S. MAIL</u>: A copy of this notice and a true copy of this judgment or order was sent by United States Mail, first class, postage prepaid, to the following person(s) and/or entity(ies) at the address(es) indicated below:

(Your name, and name of joint debtor, if any) (Your address) (Your city, state, and ZIP code)

□ Service information continued on attached page

**III. TO BE SERVED BY THE LODGING PARTY**: Within 72 hours after receipt of a copy of this judgment or order which bears an "Entered" stamp, the party lodging the judgment or order will serve a complete copy bearing an "Entered" stamp by U.S. Mail, overnight mail, facsimile transmission or email and file a proof of service of the entered order on the following person(s) and/or entity(ies) at the address(es), facsimile transmission number(s), and/or email address(es) indicated below:

□ Service information continued on attached page

Order on Debtor's Motion to Reopen Case and for Extension of Time to File Debtor's Certification of Completion of Postpetition Instructional Course Concerning Personal Financial Management - Page 6

In re											CHAPTER: 7	
	(Your	name,	and	name	of	joint	debtor,	if	any)			
										Debtor(s).	CASE NO.:	(case number)

ADDITIONAL SERVICE INFORMATION (if needed):

LEAVE THIS AREA BLANK

# **BLANK FORMS** TO FILL OUT AND TURN IN TO FILING WINDOW AT BANKRUPTCY COURT

Attorney or Party Name, Address, Telephone & FAX Numbers, and California State Bar Number	FOR COURT USE ONLY
Attorney for: UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
In re: Debtor(s).	CHAPTER: CASE NO.:

#### DEBTOR'S MOTION TO REOPEN CASE AND FOR EXTENSION OF TIME TO FILE DEBTOR'S CERTIFICATION OF COMPLETION OF POSTPETITION INSTRUCTIONAL COURSE CONCERNING PERSONAL FINANCIAL MANAGEMENT

(For Case Closed Without Entry of Discharge Due to Noncompliance With 11 U.S.C. §§ 727(a)(11) or 1328(g)(1))

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

#### 1. Bankruptcy Case Filing Information:

- a. A voluntary petition under chapter  $\Box$  7  $\Box$  13 was filed on:
- b. Because the Debtor(s) failed to file Official Form 23, Debtor's Certification of Completion of Postpetition Instructional Course Concerning Personal Financial Management ("OF 23") within the time limit set forth in F.R.B.P. 1007(c), the court closed this case without entering a discharge.
- I, \_\_\_\_\_\_, the Debtor in this case, and \_\_\_\_\_\_, (if joint debtors) hereby request that the court enter an order: (a) reopening the case pursuant to 11 U.S.C. § 350(b) and F.R.B.P. 5010; and (b) extending the time for the Debtor(s) to file the OF 23 for a period of 30 days from the date of entry of an order granting this motion.
- 3. The Debtor(s) failed to file the OF 23 by the original deadline, and therefore need to have the case reopened so that the required OF 23 can be filed and a discharge can be entered because: (Explain circumstances that prevented the Debtor(s) from filing the OF 23 in a timely manner.)

and I declare this under penalty of perjury.

# Debtor's Motion to Reopen Case and for Extension of Time To File Debtor's Certification of of Postpetition Instructional Course Concerning Personal Financial Management - Page 2

In re		CHAPTER:
	Debtor(s).	CASE NO.:

WHEREFORE, the Debtor(s) pray(s) that this court issue an order (the form of which is submitted herewith and has been served) reopening this case and extending the time to file the OF 23 so that the Debtor(s) discharge may be entered.

Debtor's Signature	Dated	City	State
Joint Debtor's Signature	Dated	City	State

In re		CHAPTER:
	Debtor(s).	CASE NO.:

**NOTE**: When using this form to indicate service of a proposed order, **DO NOT** list any person or entity in Category I. Proposed orders do not generate an NEF because only orders that have been entered are placed on a CM/ECF docket.

### PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

A	true	and	correct	copy c	of the	foreaoina	document	described as
		0.1.0	0011000	000,00		reregenig	accannon	acconicca ac

\_\_\_\_\_will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d), and (b) in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") - Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On \_\_\_\_\_\_ I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email addressed indicated below:

Service information continued on attached page

#### II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served):

On \_\_\_\_\_\_ I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follow. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

**III.** SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on \_\_\_\_\_\_ I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method) by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

	Service information continued on attached p	page
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F 5010-1.1M

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date	Type Name	Signature	

# UNITED STATES BANKRUPTCY COURT

Central District of California

In re \_\_\_\_\_

Debtor

Case No.\_\_\_\_\_

Chapter \_\_\_\_\_

#### DEBTOR'S CERTIFICATION OF COMPLETION OF POSTPETITION INSTRUCTIONAL COURSE CONCERNING PERSONAL FINANCIAL MANAGEMENT

Every individual debtor in a chapter 7, chapter 11 in which § 1141(d)(3) applies, or chapter 13 case must file this certification. If a joint petition is filed, each spouse must complete and file a separate certification. Complete one of the following statements and file by the deadline stated below:

☑ I,	, the debtor in the above-styled case, hereby
(Printed Name of De	btor)
certify that on (Date	), I completed an instructional course in personal financial management
provided by	, an approved personal financial
(Name of	of Provider)
management provider.	
Certificate No. ( <i>if any</i> ):	·
□ I,	, the debtor in the above-styled case, hereby
(Printed Name of Deb	
certify that no personal financial management co	purse is required because of [Check the appropriate box.]:
Incapacity or disability, as defined i	n 11 U.S.C. § 109(h);
Active military duty in a military co	mbat zone; or
<b>Residence</b> in a district in which the	United States trustee (or bankruptcy administrator) has determined that
	ate at this time to serve the additional individuals who would otherwise
be required to complete such courses.	
· ·	
Signature of Debtor:	
Date:	

*Instructions:* Use this form only to certify whether you completed a course in personal financial management. (Fed. R. Bankr. P. 1007(b)(7).) Do NOT use this form to file the certificate given to you by your prepetition credit courseling provider and do NOT include with the petition when filing your case.

*Filing Deadlines:* In a chapter 7 case, file within 60 days of the first date set for the meeting of creditors under § 341 of the Bankruptcy Code. In a chapter 11 or 13 case, file no later than the last payment made by the debtor as required by the plan or the filing of a motion for a discharge under § 1141(d)(5)(B) or § 1328(b) of the Code. (See Fed. R. Bankr. P. 1007(c).)

# (INSERT FINANCIAL MANAGEMENT COURSE CERTIFICATE HERE)

Attorney or Party Name, Address, Telephone & FAX Numbers, and California State Bar Number	FOR COURT USE ONLY
Attorney for:	
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
In re:	CHAPTER:
	CASE NO.:
Debtor(s).	

#### ORDER ON DEBTOR'S MOTION TO REOPEN CASE AND FOR EXTENSION OF TIME TO FILE DEBTOR'S CERTIFICATION OF COMPLETION OF POSTPETITION INSTRUCTIONAL COURSE CONCERNING PERSONAL FINANCIAL MANAGEMENT

#### (For Case Closed Without Entry of Discharge Due To Noncompliance With 11 U.S.C. §§ 727(a)(11) or 1328(g)(1))

The above referenced case having been closed without the entry of a discharge due to noncompliance with 11 U.S.C. §§ 727(a)(11) or 1328(g)(1) attributable to the failure to file Official Form 23, Debtor's Certification of Completion of Postpetition Instructional Course Concerning Personal Financial Management ("OF 23"), and the Debtor(s) having moved to reopen the case pursuant to 11 U.S.C. § 350(b) and F.R.B.P 5010 and for an extension of time under F.R.B.P. 1007(c) to file the OF 23 so that a discharge may be entered, and the Court, having reviewed and considered the motion,

- 1. 
  The Court finds cause to reopen the case and to extend the time for the Debtor(s) to file the OF 23. Accordingly, IT IS HEREBY ORDERED that:
  - a. The above-entitled bankruptcy case be, and the same is hereby, reopened pursuant to 11 U.S.C. § 350(b) and F.R.B.P. 5010;
  - b. A trustee shall not be appointed in this case absent further order of the Court;
  - c. The deadline for the Debtor(s) to file the OF 23 is extended 30 days from the date of entry of this order;
  - d. If the Debtor(s) is/are otherwise eligible, upon the filing of the OF 23, the clerk shall enter the discharge of the Debtor(s) and close the case; and
  - e. In the event the OF 23 is not filed, the case shall be closed immediately after the expiration of 30 days from the date of entry of this order.
- 2. □ IT IS HEREBY ORDERED that the motion is denied without prejudice on the following grounds (*specify*): □ See Attached Page

3.  $\Box$  This matter is set for hearing as follows:

Date:	Time:	Ctrm:
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4. 
Notice is required as follows (specify):
See Attached Page

	Order on Debtor's Motion to Reopen Case and for Extension of Time to Fi of Completion of Postpetition Instructional Course Concerning Personal Final	
In re		CHAPTER:
	Debtor(s).	CASE NO.:
5. 🗆	The Court Further orders as follows <i>(specify):</i>	
_		
Dated	:	

UNITED STATES BANKRUPTCY JUDGE

Debtor(s). CASE NO.:	

**NOTE**: When using this form to indicate service of a proposed order, **DO NOT** list any person or entity in Category I. Proposed orders do not generate an NEF because only orders that have been entered are placed on a CM/ECF docket.

# PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

A true and correct copy of the foregoing document described as \_\_\_\_

will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d), and (b) in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") - Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On \_\_\_\_\_\_ I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email addressed indicated below:

Service information continued on attached page

#### II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served):

On \_\_\_\_\_\_ I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follow. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on \_\_\_\_\_\_ I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method) by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

	Service information	continued on	attached page
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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

This form is mandatory by Order of the United States Bankruptcy Court for the Central District of California.

Date

Signature

January 2009

In re		CHAPTER:
	Debtor(s).	CASE NO.:

ADDITIONAL SERVICE INFORMATION (if needed):

Debtor(s). CASE NO.:	

#### NOTE TO USERS OF THIS FORM:

1) Attach this form to the last page of a proposed Order or Judgment. Do not file as a separate document.

2) The title of the judgment or order and all service information must be filled in by the party lodging the order.

3) Category I. below: The United States trustee and case trustee (if any) will always be in this category.

4) Category II. below: List ONLY addresses for debtor (and attorney), movant (or attorney) and person/entity (or attorney)

who filed an opposition to the requested relief. DO NOT list an address if person/entity is listed in category I.

### NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled (specify)

was entered on the date indicated as "Entered" on the first page of this judgment or order and will be served in the manner indicated below:

I. <u>SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")</u> - Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s), the foregoing document was served on the following person(s) by the court via NEF and hyperlink to the judgment or order. As of \_\_\_\_\_\_\_, the following person(s) are currently on the Electronic Mail Notice List for this bankruptcy case or adversary proceeding to receive NEF transmission at the email address(es) indicated below.

□ Service information continued on attached page

**II.** <u>SERVED BY THE COURT VIA U.S. MAIL</u>: A copy of this notice and a true copy of this judgment or order was sent by United States Mail, first class, postage prepaid, to the following person(s) and/or entity(ies) at the address(es) indicated below:

□ Service information continued on attached page

**III. TO BE SERVED BY THE LODGING PARTY**: Within 72 hours after receipt of a copy of this judgment or order which bears an "Entered" stamp, the party lodging the judgment or order will serve a complete copy bearing an "Entered" stamp by U.S. Mail, overnight mail, facsimile transmission or email and file a proof of service of the entered order on the following person(s) and/or entity(ies) at the address(es), facsimile transmission number(s), and/or email address(es) indicated below:

□ Service information continued on attached page

In re		CHAPTER:
	Debtor(s).	CASE NO.:

#### ADDITIONAL SERVICE INFORMATION (if needed):